

J.F.W

Please type a plus sign (+) inside this box

→ +

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |    |                        |                 |
|--|----|------------------------|-----------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |    | Application Number     | 10/791,694      |
|  |    | Filing Date            | March 2, 2004   |
|  |    | First Named Inventor   | David R. Zittel |
|  |    | Group Art Unit         | 1761            |
|  |    | Examiner Name          | George C. Young |
| Total Number of Pages in This Submission   | 29 | Attorney Docket Number | 338.071         |

**ENCLOSURES (check all that apply)**

|  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers<br><i>(for an Application)</i> | <input type="checkbox"/> After Allowance Communication to Group                                      |  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Formal Drawings                                  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                  |  |
| <input type="checkbox"/> Amendment /Reply  | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Group<br><i>(Appeal Notice, Brief, Reply Brief)</i> |  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |  |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter   |  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>               |  |
| <input type="checkbox"/> Express Abandonment Request                                       | <input type="checkbox"/> Statutory Disclaimer                             | CORRECTED PRELIMINARY AMENDMENT, STATUS OF CLAIMS, AND SUPPORT FOR CLAIM CHANGES                     |  |
| <input type="checkbox"/> Information Disclosure Statement                                  | <input type="checkbox"/> Request for Refund                               |  |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                            | <input type="checkbox"/> CD, Number of CD(s)                              |  |  |
| <input type="checkbox"/> Response to Notification of Missing Requirements Under 35 USC 371 | <input type="checkbox"/> Remarks  |  |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 DECLARATION   |   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or Individual name | David D. Stein, Registration No. 40,828<br>Boyle, Fredrickson, Newholm, Stein & Gratz, S.C.<br>Customer No. 23598 |
| Signature               |   |
| Date                    | JANUARY 6, 2005   |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: January 6, 2005

|                      |                 |
|----------------------|-----------------|
| Type or printed name | Dawn M. Oleszak |
| Signature            |                 |
| Date                 | January 6, 2005 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Dawn M. Oleszak

Date of Deposit



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Reissue Serial No.: 10/791,694

Art Unit: 1761

Filing Date: March 2, 2004

Examiner: George C. Yeung

Patent No.: 6,214,400

Atty. Docket No.: 338.071

Inventor(s): David R. Zittel, Steven W. Hughes, and Daniel D. Maupin

Invention: *Method for Processing Food Product*

Customer No. 23598

**Corrected Preliminary Amendment, Status of Claims, and**  
**Support for Claim Changes**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

Please enter this amendment which has been made to present the claims and remarks in conformance with 37 C.F.R. § 1.173 for a reissue application: